

TESTIMONY IN SUPPORT OF RAISED BILL No. 5226
AN ACT CONCERNING ELECTRICAL VEHICLE CHARGING STATIONS
ENERGY & TECHNOLOGY COMMITTEE

February 27, 2020

CAI-CT

My name is Kim McClain. I serve as the Executive Director of the Connecticut Chapter of the Community Associations Institute. We are part of a National Organization with over 60,000 members and growing stronger. Our mission is to support best practices in association operations throughout our state. We do this by providing robust education programs and valuable resources to enable our members to have the necessary skills to effectively operate their associations.

There are currently over 5,000 common interest communities in Connecticut with approximately 950,000 residents. I wish to present testimony regarding the impact this bill will have on these communities and the owners who have invested in them.

CAI supports legislation that recognizes the core principle of self-governance and co-ownership of common property and the community association housing model. As each association is unique, legislation should allow the community to determine the most efficient, fair, and effective method to provide electric vehicle charging stations.

RB 5226, in its current iteration, addresses many of the key issues CAI-CT considers necessary to ensure that communities have the flexibility to determine what will work most effectively in their individual community.

We are pleased to note that CAI-CT has been working with the Connecticut Department of Energy and Environmental Protection to develop a bill that will achieve the Department's goal of expanding charging station availability throughout the State while also making our communities ready to meet the challenges and opportunities in an evolving greener economy. We also recognize that these issues can be complicated and will look forward to continuing our conversations with DEEP in order to ensure the concerns we have raised have been adequately considered and addressed.

About the Community Association Housing Model

While community associations come in many forms and sizes, all associations share three basic characteristics: (1) membership in the association is mandatory and automatic for all property owners; (2) certain legal documents bind all owners to defined land-use requirements administered by the community association; and (3) all property owners pay mandatory lien-based assessments that fund association operations.

The community association housing model is actively supported by local government as it permits the transfer of many municipal costs to the association and homeowners. Today, many community associations deliver services that once were the exclusive province of local government usually funded by government-levied property taxes.

Community associations are governed by a board of directors or trustees comprised of owners and residents elected by their neighbors. This board guides the association in providing governance and other critical services for the community.

Background

The decrease in cost and the increase in options of electric vehicles as well as world-wide, aggressive public policy goals to limit carbon dioxide emissions means electric vehicles are becoming increasingly popular. States and local governing bodies have invested in vehicle fleets and the development of public infrastructure to support the growth of electric vehicles. Demand driven by popularity and policy, means more homeowners in community associations will have a need to charge their electric vehicle

Many newly developed commercial and residential properties, including condominiums, are installing charging stations. States are also considering laws that prohibit community associations from preventing the installation of stations.

Parking Spaces in a Community Association

Each community association is unique, so the allocation or ownership of the parking areas differs from one form to another and even within the same form.

Homeowners Associations and Planned Communities. Parking in community associations is complicated. In a homeowner's association or planned community, an owner may own their garage, carport, or driveway as exclusive use property. Associations having parking spaces that are deeded or permanently assigned need to be treated differently.

Condominium and Housing Cooperatives. Parking in condominiums may be general common elements or exclusive-use property. This means parking spaces may or may not be assigned or deeded. In some instances, governing boards are without legal authority to assign a space to an owner of an electric vehicle or have the ability to designate the type of vehicle that may park in a particular space.

Installation and Maintenance

Since ownership of parking spaces vary, the position of authority for installation needs to be considered. For example, if the governing documents provide for the permanent assignment of a parking space, and a unit owner's parking space is unsuitable for the installation of a charging station governing boards will, where permitted under the governing documents, be faced with coordinating new assignments with at least one other unit owner whose assigned space is more suitable.

Communities with owners of deeded or assigned parking spaces that are not enclosed will typically vet and adopt a rule regarding the application for installation of charging stations that are free-standing. In these instances, associations may require prior approval, compliance with location and aesthetic placement, addressing issues related to costs of installation, maintenance, repair and removal. Additionally, the governing board may, where authorized, be required to grant easements to a utility company to run power to the charging station.

Associations with unit owners living with disabilities and who require accessible parking will need to comply with related fair housing laws.

Challenges with liability exist in the installation and in the use and maintenance of charging stations. Associations whose parking lot is a general common element or whose electricity is allocated, instead of

sub-metered, could be burdened with the financial expense to provide the power to charge vehicles. General maintenance of the charging station and the liability of damages done to property or persons due to negligence if the unit is damaged is a responsibility that should be borne by the unit owner and not the association.

In conclusion

CAI-CT supports legislation which recognizes the core principle of self-governance and co-ownership of common property of the community association housing model. CAI supports legislation that permits the association to enact reasonable rules and regulations concerning the costs, installation, maintenance, and removal of a charging station.

CAI-CT supports legislation or other public policies that incentivize associations to provide for electric vehicle charging, but allows for the unique needs and the ability of each association to best determine the most efficient method to provide for these needs. Legislation or policy must respect the financial capability of associations to provide for charging stations and allow associations to equitably allocate costs of charging stations to those who benefit.

CAI-CT supports legislation that permits a governing board or an architectural committee to review a written request by a unit owner for the installation of a charging station at a regularly occurring meeting or through the association's normal approval process. CAI-CT supports legislation that permits the association to impose reasonable charges to recover the costs of the review and permitting of the station. Further, CAI-CT supports legislation that renders the benefitted unit owners responsible for all costs associated with the installation, use, maintenance and removal of the charging station.

We look forward to continuing our efforts working with the Connecticut Department of Energy and Environmental Protection on this bill as well as other projects to encourage and enhance greater energy efficiency and environmental protections in common interest communities.

In the event you may require additional information, please do not hesitate to contact me. Thank you.

Respectfully submitted,

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